

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 17565 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

KAPADIA SHANTABEN LALJI

Versus

REGIONAL PASSPORT AUTHORITY

Appearance:

MR AR THACKER for Petitioner No. 1
MS DHARMISHTA RAVAL for Respondent No. 1
MS PJ DAVAWALLA Addl. Standing Counsel
for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 06/07/2004

ORAL JUDGEMENT

1. Heard learned Advocate Mr. A.R. Thacker for the

petitioner and learned Addl. Central Govt. Standing Counsel Ms. P.J. Davawala for the respondent - Passport Authority.

2. Present petitioner has been issued a Passport by the respondent bearing Passport No.E-5062129. Now the case of the petitioner and the contention raised on behalf of the petitioner is that when she applied for that passport to the respondent, the date of birth of the petitioner was provided to be 8th of March,1951, based on the School Leaving Certificate issued by the Zilla Panchayat School, Junagadh. Thereafter, it was found by the petitioner from the certificate issued by Nakara Gram Panchayat, Village Nakara, Taluka Manavadar, District Junagadh that in fact her date of birth was 8th of March, 1952. Therefore, according to learned Advocate for the petitioner, necessary change in the record of the Passport issued to the petitioner is required to be carried out by the respondent to correct the date of birth of the petitioner, which is 8th of March, 1952 and which is wrongly recorded as 8th of March, 1951 while issuing the above Passport.

3. In view of the above, the Passport Authority respondent herein is directed to consider the case of the petitioner for change in date of birth from 08.03.1951 to be corrected as 08th of March,1952 in the record of the Passport of the petitioner as issued to her vide above number. On correction, the date of birth of the petitioner for the record of the passport shall be considered to be 08.03.1952 instead of 08.03.1951. This error on the record of the passport is at the instance of the petitioner, the petitioner shall pay cost of Rs. 5,000/- to the respondent Passport Authority since the respondent cannot be saddled with the cost of litigation.

4. It is further clarified that this Court has not gone into legality, validity and genuineness of the above correction to be carried out by the respondent Passport Authority, any order passed by the respondent Passport Authority, shall not give any additional right to the petitioner in any other field on account of change in date of birth.

5. This petition is allowed accordingly. Rule is made absolute to the above extent. DS permitted.

(J.R. Vora, J.)

p.n.nair

